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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,677	06/19/2000	Raviv Laor	56354-018 (LAOL-116/PT)	3948
31518	7590	11/22/2005	EXAMINER MYHRE, JAMES W	
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304			ART UNIT 3622	PAPER NUMBER

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/595,677

Applicant(s)

LAOR, RAVIV

Examiner

James W. Myhre

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on December 9, 2003 under 37 CFR 1.114 is sufficient to overcome the previous rejection based on 31 references. The amendment did not add nor delete any claims, but did amend Claims 1, 12, and 21. The currently pending claims considered below remain Claims 1-27.

***Claim Rejections - 35 USC § 101***

2. The amendment filed on December 9, 2003 overcomes the previous rejection of Claims 12-20 as being non-statutory under 35 U.S.C. 101. Therefore, the Examiner hereby withdraws that rejection.

***Claim Rejections - 35 USC § 112***

3. The amendment filed on December 9, 2003 also overcomes the previous rejection of Claims 1-27 as being not enabled under 35 U.S.C. 112, 1<sup>st</sup> paragraph. Therefore, the Examiner hereby withdraws that rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerace (5,848,396).

Claims 1, 12, and 21: Gerace discloses a system and method for managing promotions over a network, comprising:

a. a promotion server system including a promotional database containing terms and statistics of promotional items (col 3, lines 39-67);

b. a commercial server system coupled to the promotion server system associating a manufacturer or retailer of products or services to the promotion server system (col 3, lines 39-67);

c. a client system coupled to the commercial server system which receives promotions (col 3, lines 39-67); and

d. wherein the terms and statistics are transferred from the promotion server system to the commercial server system which evaluates and promotes utilization of those promotions (col 5, lines 26-40 and col 11, line 57 – col 13, line 33).

Claim 2: Gerace discloses a system for managing promotions over a network as in Claim 1 above, and further discloses the commercial server system accepting or declining the promotions (col 17, line 53 – col 20, line 30, especially col 19, lines 33-41).

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Claim 3: Gerace discloses a system for managing promotions over a network as in Claim 1 above, and further discloses the promotion server system providing statistics pertaining to the number and value of redeemed promotions to the commercial server system (col 11, line 57 – col 13, line 33).

Claims 4, 13, and 27: Gerace discloses a system and method for managing promotions over a network as in Claims 1, 12, and 21 above, and further discloses that the network is the Internet (col 3, lines 52-53).

Claims 5 and 22: Gerace discloses a system for managing promotions over a network as in Claims 1 and 21 above, and further discloses allowing a commercial server system access only to its own promotional data (col 17, line 53 – col 20, line 30).

Claims 6-8: Gerace discloses a system for managing promotions over a network as in Claims 1, 2, and 3 above, and further discloses the commercial server system entering search terms to retrieve data about its desired promotion or promotions (col 17, line 53 – col 20, line 30).

Claim 9: Gerace discloses a system for managing promotions over a network as in Claim 8 above, and further discloses displaying a table of redeemed promotions (col 11, line 57 – col 13, line 33 and col 17, line 53 – col 20, line 30).

Claim 10: Gerace discloses a system for managing promotions over a network as in Claim 9 above, and further discloses the displayed table including at least one of a total number of promotions redeemed and the total value of redeemed promotions for each of a number of days (i.e. duration of promotional period)(col 11, line 57 – col 13, line 33 and col 17, line 53 – col 20, line 30).

Claims 11, 14, and 15: Gerace discloses a system and method for managing promotions over a network as in Claims 1 and 13 above, and further discloses using a screen display to display the promotion data when requested (opted) by the commercial server system (col 11, line 57 – col 13, line 33 and col 17, line 53 – col 20, line 30).

Claim 16: Gerace discloses a method for managing promotions over a network as in Claim 14 above, and further discloses an option for the commercial server system to deactivate a promotion (col 11, line 57 – col 13, line 33 and col 17, line 53 – col 20, line 30).

Claims 17 and 18: Gerace discloses a method for managing promotions over a network as in Claim 14 above, and further discloses the commercial server system accepting or declining the promotions (col 17, line 53 – col 20, line 30, especially col 19, lines 33-41).

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Claims 19 and 20: Gerace discloses a method for managing promotions over a network as in Claim 14 above, and further discloses the promotion server system providing statistics pertaining to the number and value of redeemed promotions to the commercial server system (col 11, line 57 – col 13, line 33).

Claim 23: Gerace discloses a system for managing promotions over a network as in Claim 21 above, and further discloses tracking data accessed by the commercial server system (col 11, line 57 – col 13, line 33 and col 17, line 53 – col 20, line 30).

Claims 24 and 25: Gerace discloses a system for managing promotions over a network as in Claim 21 above, and further discloses tracking and storing data pertaining to transactions between the commercial server system and the client systems which involve the promotion items (col 11, line 57 – col 13, line 33 and col 17, line 53 – col 20, line 30).

Claim 26: Gerace discloses a system for managing promotions over a network as in Claim 25 above, and further discloses adjusting the terms of the promotion based on the stored transaction data (col 11, line 57 – col 13, line 33 and col 17, line 53 – col 20, line 30).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Burton et al (5,025,372) discloses a system and method for managing promotions over a network that tracks the effectiveness of each promotion over time.

b. Reiter (5,819,241) discloses a system and method for managing promotions that tracks the effectiveness of the promotions based on statistical analysis.

c. Carrithers et al (5,956,695) disclose a system and method for managing promotions that alters the promotion based on tracked transaction data.

d. Macartnet-Filgate et al (US 2001/0032126 A1) discloses a system and method for managing promotions over a network that tracks the effectiveness of web advertising campaigns and presents reports to the advertiser.

e. Puri (US 2001/0037241 A1) discloses a system and method for managing promotions over a network that presents targeted promotions to a user and reports user interaction with the promotion to the advertiser.

f. Mooers et al (US 2002/0046091 A1) discloses a system and method for managing promotions over a network that restricts access to the statistical data pertaining to the promotions based on the profile and role of the user.



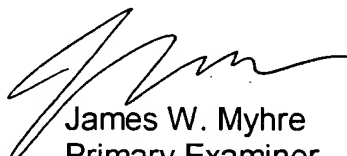
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached Monday through Thursday from 5:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (571) 272-6724. The fax phone number for Formal or Official faxes to Technology Center 3600 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.



JWM  
November 2, 2005



James W. Myhre  
Primary Examiner  
Art Unit 3622